

1 DR. SHAUN L. W. SAMUELS

2 Counter-Defendant

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5 Whereas Defendant, TriVascular, Inc. ("TriVascular"), has filed a petition for *inter*
 6 *partes* review of U.S. Patent No. 6,007,575 ("575 patent) before the Patent Trial and Appeal
 7 Board ("PTAB") of the United States Patent and Trademark Office on August 5, 2013 and filed a
 8 Motion To Stay Pending *Inter Partes* Review on August 7, 2013 (Dkt. No. 23). As an
 9 administrative matter, the PTAB has accorded TriVascular's *inter partes* petition a filing date of
 10 August 5, 2013, and under the rules of the PTAB, Plaintiff Shaun L. W. Samuels ("Samuels")
 11 has filed its mandatory notices. Accordingly, the parties have stipulated as follows:

- 13 1. This case shall be stayed pending the PTAB's decision on whether to grant
 14 TriVascular's petition for *inter partes* review and thereby institute review of the
 15 '575 patent.
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- 17 2. The parties shall file a status report within ten days of the date on which the
 18 PTAB's decision is rendered regarding the *inter partes* petition and shall file a
 19 copy of the decision as an attachment to the report. In the event the petition is not
 20 granted, the stay is lifted subject to further order of the Court.
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- 22 3. Should the PTAB institute *inter partes* review of the '575 patent, the case shall be
 23 further stayed until the PTAB issues a final written decision.
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- 25 4. The parties shall file a status report within ten days of the date on which the
 26 PTAB's final written decision is rendered and shall file a copy of the decision as
 27 an attachment to the report. Upon notice of issuance of the PTAB's final written
 28 decision to the Court, the stay is lifted subject to further order of the Court.

**JOINT STIPULATION TO STAY CASE
 PENDING *INTER PARTES* REVIEW**

Case No. CV-13-2261-EMC

5. In addition, the parties shall file a status report every six months from the date of the Court's order granting a stay of this case.

6. Accordingly, all deadlines in the case are stayed, and the hearing on the motion to stay and initial case management conference on September 19, 2013 are vacated.

DATED: August 27, 2013

/s/ James D. Petruzzi

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ATTESTATION OF CONCURRENCE IN FILING

I, Marc H. Cohen, am the ECF User whose identification and password are being used to file this Joint Stipulation. In compliance with Local Rule 5-1(i)(3), I hereby attest that James D. Petruzzi of Mason & Petruzzi has concurred in this filing.

DATED: August 27, 2013

KIRKLAND & ELLIS LLP
Respectfully submitted,

/s/ Marc H. Cohen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 27, 2013, that a copy of the foregoing document is being electronically filed with the Clerk of the United States District Court for the Northern District of California by using the CM/ECF system, which will send notice of such filing to all counsel of record.

DATED: August 27, 2013

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Respectfully submitted,

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